Social Services Appeal Board of Saskatchewan

Annual Report 2011 - 2012

Letter of Transmittal

Honourable June Draude
Minister of Social Services

Dear Ms. Draude:

I hereby respectfully submit the Annual Report of the Social Services Appeal Board for the one year period ending March 31, 2012.

Pat Cooper
Co-Chairperson

Linda Coe-Kirkham
Co-Chairperson

Preface

The Annual Report, presented to the Minister of Social Services provides a description of the Social Services Appeal Board, its mandate, development and procedures, and a summary of the nature of appeals heard by the Board during the year April 1, 2011 to March 31, 2012.

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Introduction

The ***Social Services Appeal Board*** is an independent tribunal whose role is to determine if clients have been treated fairly and in accordance with the Saskatchewan Assistance Regulations.

Legal authority is provided by the *Department of Social Services Act R.S.D. 1978, Section 10; The Saskatchewan Assistance Act R.S.S. 1966, Section 14(1)(m)(n), 15-18; the Saskatchewan Assistance Regulations, Section 43.*

Appeals to the ***Social Services Appeal Board*** are considered the final step in a three tiered appeal process established under the regulations. The first level of appeal is to the Regional Director and any dissatisfied client may appeal to this level. Once the Regional Director has made a decision, the client has the option of continuing with the appeal should he/she be dissatisfied with the decision. Client appeals to the second level are arranged by the Regional Director and are heard by a Regional Appeal Committee. Depending on the decision of the Regional Appeal Committee, either the client or the Regional Director may choose to continue the appeal to the third and final level, the ***Social Services Appeal Board.***

The decision of the provincial board is final, unless it is not in accordance with the law. Clients and the Ministry may appeal to the Court of Queen's Bench. Clients may also request an independent review by the Ombudsman who will investigate the case. The Ombudsman cannot change the decision of the board, however, he may investigate the matter and advise the board if he believes the claim to be substantiated.

Members of the Board 2011 -2012

The Co-Chairpersons
and Board Members
are independent of the
Ministry of Social Services.

Appointments are made by
Minister's Order.

Gloria Edwards is the appeal
coordinator in Regina.

Jane Ritz is the appeal
coordinator in Saskatoon.

P. Cooper and L. Coe-Kirkham -Co-Chairpersons-
D. Bach
N. Osborne
R. Bellamy
T. Chasmar
C. Froehlich
J. Lightheart
R. Schellenberg
J. Moser
M. Wallace

Location of Hearings

Regional hearings are held by Regional Appeal Committees in the major centres in each region. Provincial hearings are held in Regina and Saskatoon, usually with a panel of four to five members. A quorum is three members.

The chairperson attends all appeal hearings and conveys in writing to clients the decisions made by the Appeal Board, usually within one week of the hearings. As part of the decision, the client is always advised of the rationale behind the board's decision.

Board members consider themselves obliged to adhere to the Saskatchewan Assistance Regulations but believe they have some flexibility in dealing with the internal policy guidelines.

The board has access to outside legal counsel and on occasion seeks advice regarding decisions.

Co-Chairperson's Comments

The 2011-2012 annual report of the Social Services Appeal Board is available on-line at www.socialservices.gov.sk.ca/11-12-ssappealboard.pdf

In the 2011-2012 year the board received a total of 115 provincial appeal requests. Two requests were denied and eight requests were withdrawn prior to appeal. Two appeals were heard and adjourned for further information before a decision could be made. The Appeal Board held a total of 33 meetings with 13 meetings scheduled in Regina and the remaining 20 meetings scheduled in Saskatoon. Of the 105 provincial appeals, 81 were heard in Saskatoon and 24 were heard in Regina. A total of 319 regional appeals were heard province wide with the greater number of appeals being heard by the Southwest and Centre Regional Appeal Committees. A total of 23.5% of the regional appeal decisions made favoured the client.

During 2011-2012 period the appeals heard in Regina decreased while appeals in Saskatoon increased. It is noted by the Board that there are close to three times as many appeals heard in Saskatoon as Regina.

There were a small number of appeals heard from individuals that had been small business owner/operators, some farm based, but others not. Two issues arose from these appeals, one, it appeared to the Board that some of the Ministry staff had some difficulty with the financials of small business. The Board would comment that the vast majority of appeals heard by the Board are from individuals whose primary and often only source of income is from the Ministry, and the Ministry staff has little opportunity to gain firsthand experience in the area of business financials.

. . . . . continued

Co-Chairperson's Comments

..... continued

The Board believes there would be merit in having resource available to regional staff, if needed, in the area of small business financials. The second issue in this area is the handling of debt incurred by individuals as they attempt to keep their business viable. The Ministry has attempted, in some cases, to differentiate between mortgage debt accumulated for living expense and mortgage debt for business purposes. The Board notes that in the case of a single proprietorship business that it is difficult to separate the two. Unless there is evidence that an attempt has been made to accumulate debt for the purpose of having the Ministry assume it, it would appear to the Board that the debt likely is an honest attempt to keep a business viable. The Board suggests that this is an area that policy clarification would be beneficial to all involved.

Provincially, the Saskatchewan Administrative Tribunals Association (SATA) has been formed. The membership is voluntarily made up of members of the many provincial tribunals operating in the province. The main purpose of SATA is the benefit of education and training common to the different tribunals. The Board believes that membership in this organization could be a natural fit with the good work done to date in offering continued training to the Board. The Ministry and the Board are jointly exploring the merits of membership in SATA.

Table 1 - Statistics
Number of Regional and Provincial Appeals
(2005 – 2006 to 2011 - 2012)

	Regional	Provincial
2005 – 2006	457	176
2006 – 2007	466	136
2007 – 2008	385	127
2008 – 2009	415	127
2009 – 2010	370	95
2010 – 2011	454	108
2011 - 2012	319	115

2011 – 2012:

- Regional numbers do not include denied or withdrawn.

- Provincial numbers include 2 denied and 8 withdrawn.

Table 2 - Regional Appeals
Location and Disposition 2011 - 2012
Summary by Region

Region	Decision in Favour of Client	Decision in Favour of Ministry	Total
Southwest	21	68	89
Southeast	2	15	17
Centre	40	86	126
Northeast	6	48	54
Northwest	6	27	33
Total	**75**	**244**	**319**

The decision favoured the client 23.5 % of the time.

Note: Totals may not balance because one appeal may result in more than one decision.

Table 3 - Provincial Appeals
Source of Provincial Appeals.
2011 - 2012

Region	Appealed by Client	Appealed by Ministry	Total
Southwest	16	8	24
Southeast	3	0	3
Centre	27	19	46
Northeast	18	1	19
Northwest	21	2	23
Total	**85**	**30**	**115**

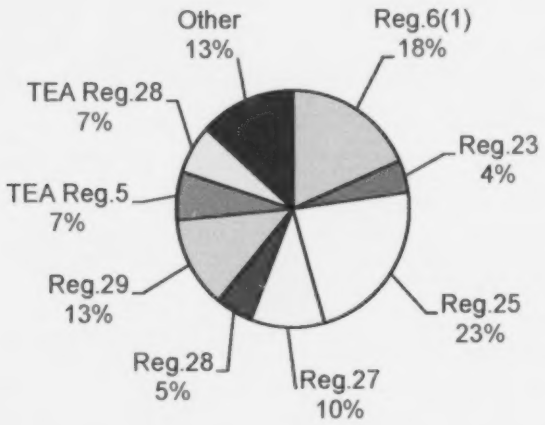
Note: **2 requests for appeals were denied**
8 appeals were withdrawn
0 requests were appealed by both Client and Ministry

Table 4 - Provincial Appeals
Summary by Region
2011 - 2012

Region	Client Sourced Appeals		Ministry Sourced Appeals	
	Decision for Client	Decision Against Client	Decision for Ministry	Decision Against Ministry
Southwest	0	13	6	2
Southeast	1	1	0	0
Centre	4	17	3	20
Northeast	6	10	1	0
Northwest	8	10	2	0
Total	**19**	**51**	**12**	**22**

The number of appeals received and the number of decisions is not equal due to denials and withdrawals.

Table 5 - Social Services Appeal Board
Appeals by Reason 2011 - 2012
(segments represent the SAP and TEA Regulation appealed)



Reg. 2	• Interpretation - Delegation
Reg. 6(1)	• Responsibilities of the recipient as a condition of eligibility
Reg. 23	• Changes in the amount of assistance
Reg.25	• Allowance amounts: basic needs, shelter, utilities, personal, food.
Reg. 27	• Special needs
Reg. 28	• Financial resources and exempt income
Reg. 29	• Eligibility and determining financial resources
TEA - Reg. 5	• Eligibility of applicant
TEA - Reg. 28	• Termination of payment
Other	• **Social Assistance Program** • Special Needs, assistance payments, determining eligibility • **Transitional Employment Allowance** • Determining budget deficit and eligibility

Table 6 - Appeal Board Meetings Provincial Appeals Heard in Regina and Saskatoon

2007-2008 to 2011-2012

	Regina Meetings	Cases Heard	Saskatoon Meetings	Cases Heard
2007 – 2008	23	53	25	59
2008 – 2009	19	44	25	68
2009 – 2010	19	36	23	58
2010 – 2011	16	30	25	64
2011 - 2012	13	24	20	81

Table 7 - The Provincial Ombudsman

Clients who are dissatisfied with the decision of the Social Services Appeal Board may also request a review by the Office of the Ombudsman. The Ombudsman cannot change the decision of the board, however, an investigation will be conducted and the board advised if the Ombudsman believes the complaint to be substantiated. In those cases the Ministry of Social Services will also be advised. The Ministry may then initiate action to bring about a satisfactory outcome for the client.

Statistics for 2011 – 2012

Cases Opened	Cases Closed	Not Substantiated	Substantiated and rectified	Discontinued
2	2	1	1	0

Cases Outstanding March 31, 2011 - 0
Cases Outstanding March 31, 2012 - 0